

**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING  
Whether there has been a violation of the  
Consumer Loan Act of Washington by:

OCEAN WEST ENTERPRISES, INC., dba  
OCEAN WEST FUNDING, and MARSHALL  
STEWART, President and Owner, and DARYL  
MEDDINGS, Executive Vice President and  
Owner,

Respondents.

NO. C-05-175-06-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER  
AN ORDER TO REVOKE LICENSE, IMPOSE FINE,  
AND COLLECT INVESTIGATION FEE

**INTRODUCTION**

Pursuant to RCW 31.04.093 and RCW 31.04.165, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 31.04 RCW, the Consumer Loan Act (Act). After having conducted an investigation pursuant to RCW 31.04.145, and based upon the facts available as of February 6, 2006, the Director institutes this proceeding and finds as follows:

**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

A. **Ocean West Enterprises, Inc., dba Ocean West Funding** (Respondent Ocean West) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a Consumer Loan Company on December 4, 1997, and has continued to be licensed to date.

B. **Marshall Stewart** (Respondent Stewart) is President and Owner of Respondent Ocean West.

C. **Daryl Meddings** (Respondent Meddings) is Executive Vice President and Owner of Respondent Ocean West.

**1.2 Failure to Maintain Bond.** On June 22, 2005, the Department received notice from Travelers Casualty and Surety Company of America that Respondent Ocean West's surety bond would be cancelled

1 effective August 1, 2005. To date, Respondents have failed to notify the Department of the cancellation of the  
2 surety bond, and have failed to provide the required surety bond or an approved alternative.

3 **1.3 Failure to Respond to Directive.** On June 22, 2005, the Department served a directive on  
4 Respondents via first class mail. This directive was not returned. The directive required Respondents to  
5 provide the Department with a replacement bond in the appropriate amount. On June 22, 2005, the Department  
6 also successfully sent correspondence to Respondents by facsimile notifying Respondents of the cancellation of  
7 Respondent Ocean West's surety bond. To date, the Department has not received a response to any of the  
8 above correspondence.

9 **1.4 On-Going Investigation:** The Department's investigation into the alleged violations of the Act by  
10 Respondents continues to date.

## 11 **II. GROUNDS FOR ENTRY OF ORDER**

12 **2.1 Requirement to Maintain Surety Bond:** Based on the Factual Allegations set forth in Section I  
13 above, Respondents are in apparent violation of RCW 31.04.045(3) and WAC 208-620-030(1) for failing to file  
14 and maintain a surety bond or approved alternative with the Director.

15 **2.2 Authority to Charge Examination and Investigation Fees:** Pursuant to RCW 31.04.145(3), WAC  
16 208-620-180(1), WAC 208-620-190(2) and WAC 208-620-191, every licensee examined or investigated by the  
17 Director or the Director's designee shall pay for the cost of the examination or investigation, calculated at the  
18 rate of sixty-nine dollars and one cent (\$69.01) per staff hour.

19 **2.3 Authority to Revoke License:** Pursuant to RCW 31.04.093(3)(a) and (b), the Director may revoke a  
20 license if a licensee fails maintain in effect the required bond or permitted substitute, fails to comply with any  
21 specific order or demand of the Director, violates any provision of the Act or any rule adopted under the Act.  
22 Pursuant to RCW 31.04.093(3)(c), the Director may revoke a license if a fact or condition exists that, if it had  
23 existed at the time of the original application for the license, clearly would have allowed the director to deny the  
24 application for the original license.

1 **2.4 Authority to Impose Fine:** Pursuant to RCW 31.04.093(4), the Director may impose fines of up to one  
2 hundred dollars per day upon the licensee for any violation of the Act or failure to comply with any order or  
3 subpoena issued by the Director under the Act.  
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### 5 **III. NOTICE OF INTENTION TO ENTER ORDER**

6 Respondents' violations of the provisions of chapter 31.04 RCW and chapter 208-620 WAC, as set forth in  
7 the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry of an Order under  
8 RCW 31.04.093, RCW 31.04.165 and RCW 31.04.205. Therefore, it is the Director's intention to ORDER that:  
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10 **3.1** Respondent Ocean West Enterprises, Inc., dba Ocean West Funding's license to conduct the business of a  
consumer loan company be revoked; and

11 **3.2** Respondents Ocean West Enterprises, Inc., dba Ocean West Funding, Respondent Marshall Stewart, and  
Respondent Daryl Meddings jointly and severally pay a fine of \$3,750.00 for:  
12 **a.** Violating RCW 31.04.045, calculated at \$50 per day for 30 days; and  
13 **b.** Failing to comply with a directive of the Director, calculated at \$75 per day for 30 days.

14 **3.3** Respondents Ocean West Enterprises, Inc., dba Ocean West Funding, Respondent Marshall Stewart, and  
Respondent Daryl Meddings jointly and severally pay an investigation fee in the amount of \$224.28,  
15 calculated at \$69.01 per hour for the three and one quarter (3.25) staff hours devoted to the investigation;  
and

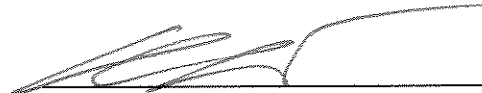
16 **3.4** Respondents maintain records in compliance with the Act and provide the Director with the location of the  
books, records and other information relating to Respondent Ocean West Enterprises, Inc., dba Ocean West  
17 Funding's consumer loan company business, and the name, address and telephone number of the individual  
responsible for maintenance of such records in compliance with the Act.  
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#### IV. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Revoke Consumer Loan License, Impose Fine, and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 31.04.093, RCW 31.04.165, RCW 31.04.202 and RCW 31.04.205, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act). Respondents may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

Dated this 6th day of February, 2006.



CHUCK CROSS  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:



RAYNE TRONSET-MOORE  
Financial Legal Examiner



Approved by:



JAMES R. BRUSSELBACK  
Enforcement Chief

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**STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES**

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IN THE MATTER OF DETERMINING:  
Whether there has been a violation of the  
Mortgage Broker Practices Act of Washington by:

C-05-175-06-SC01

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OCEAN WEST ENTERPRISES, INC., dba  
OCEAN WEST FUNDING, and MARSHALL  
STEWART, President and Owner, and DARYL  
MEDDINGS, Executive Vice President and  
Owner,  
Respondents.

NOTICE OF OPPORTUNITY TO DEFEND  
AND OPPORTUNITY FOR HEARING

THE STATE OF WASHINGTON TO:

Ocean West Enterprises, Inc. dba Ocean West Funding  
Marshall Stewart  
Daryl Meddings

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department  
of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the  
Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is  
deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY  
THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE  
YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the  
hearing at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal  
as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing  
will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges  
is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege  
recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine  
those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by

1 subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter  
2 appointed at no cost to you, as discussed below.

3 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-  
4 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for  
5 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate  
6 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN  
7 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request  
8 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative  
9 Hearing form.

10 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the  
11 Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will  
12 constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the  
13 Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of  
14 this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the  
15 attached Application for Adjudicative Hearing to:

16 Department of Financial Institutions, Division of Consumer Services  
17 Attn: Steven C. Sherman  
18 PO Box 41200  
Olympia, Washington 98504-1200

19 Dated this 10th day of February 2006.



CHUCK CROSS  
Director  
Division of Consumer Services  
Department of Financial Institutions